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**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

AF 1636
11686A

Docket No.
11686A

In Re Application Of: **Suzanne Cory, et al.**

JAN 26 2005

Application No.
09/925,674

Filing Date
August 9, 2001

Examiner
Sumesh Kaushal

Customer No.
23389

Group Art Unit
1636

Confirmation No.
3390

Invention: **NOVEL MAMMALIAN GENE, BCL-W, BELONGS TO THE BCL-2 FAMILY OF APOPTOSIS-
CONTROLLING GENES**

01/28/2005 FMETEK11 00000033 09925674

01 FC:1253 1020.00 OP
02 FC:1401 500.00 OP

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of July 22, 2004 in the above-identified application.

Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated July 22, 2004 finally rejecting Claim(s) **6-10 and 18**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: October 22, 2004

Date

until: January 24, 2005 (Monday)

Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$500.00

Fee for Extension of Time: \$1,020.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$1,520.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☒ A check in the amount of **\$1,520.00** for the Notice of Appeal and extension of time is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of _____

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:


Signature

Dated: January 24, 2005

Frank S. DiGiglio
Registration No. 31,346
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FSD/XZ:ab

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a) on January 24, 2005 (Date) _____ Signature of Person Mailing Correspondence _____	
Frank S. DiGiglio	
Typed or Printed Name of Person Mailing Correspondence	

cc: